

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re AMERICAN REALTY CAPITAL	:	Civil Action No. 1:15-mc-00040-AKH
PROPERTIES, INC. LITIGATION	:	
_____	:	<u>CLASS ACTION</u>
	:	
This Document Relates To:	:	
	:	
ALL ACTIONS.	:	
_____	x	

ORDER APPOINTING LEAD COUNSEL AND ESTABLISHING
PROCEDURE FOR RESOLVING DISPUTED CLAIMS

WHEREAS, on January 12, 2022, the Court held a telephonic conference to discuss how to proceed with open claims pressed by certain claimants that the Settlement Neutral denied (“the Disputed Claims”) (ECF No. 1350); and

WHEREAS, at the January 12, 2022 conference, the Court made certain orders concerning appointment of lead counsel for the Claimants and otherwise establishing a procedure for resolution of the Disputed Claims;

IT IS ORDERED that:

1. Kevin E. O’Malley and the law firm of Gallagher & Kennedy, P.A. (together, “G&K”) are appointed as lead counsel for Claimants Tom Roberts, Todd Weiss, Gavin Brandon, Mark Selman, Loren Selman, the Selman Revocable Trust, Christopher Day, Brian McGlynn, Ryan Rahaeuser, Dawn Impellizzeri, Steven Shore, Alfred Rivera, Derek Wilson, James Siegel, Sean Morris, and Mark Anderson (collectively “Claimants”), for the purpose of pursuing the Disputed Claims insofar as those claims are based on common facts and legal arguments.
2. Barry M. Bordetsky, Law Offices of Barry M. Bordetsky, is appointed to serve as local counsel for Claimants for the same purpose.
3. In carrying out its representation, G&K shall, as necessary and appropriate, work with Samuel B. Edwards, Edwards & Kantas LLP, who has appeared on behalf of Claimants Steven Shore and Dawn Impellizzeri, and Glenn Gitomer, who has appeared on behalf of Claimant Derrick Wilson.
4. Claimants, through G&K, shall file a single combined brief with the Court pursuant to the schedule to be set by separate Order. Any counsel may file non-duplicative addenda to the combined brief to advise the Court of additional facts or legal arguments specific to their individual Claimant clients.

5. G&K shall bill Claimants on a lodestar basis each month, applying the standard hourly rates for Mr. O'Malley and any other lawyers or legal professionals assisting him. The amount billed shall be divided among the Claimants on an equitable basis, based on each Claimant's relative proportion of the amount in dispute. Those Claimants who are not separately and directly represented by G&K may, at their option, seek Court approval of fees billed to them as being unreasonably duplicative. Fees owed by each Claimant shall be secured by each such Claimant's recovery.

* * *

ORDER

IT IS SO ORDERED.

DATED: January 18, 2022

/s/ Alvin K. Hellerstein
THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE